

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated July 9, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7 and 12-16 are pending in the Application. Claims 12-16 are added by this amendment. Claims 8-11 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. By means of the present amendment, claims 1-7 are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-7 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicant(s) thank(s) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, restriction is required as between Claims 1-7, designated as Group I; Claims 8-9, designated as Group II; and Claims 10-11, designated as Group III.

In response, Applicants hereby elect claims 1-7, designated as Group I, for an examination on the merits.

In the Office Action, the drawings are objected to because in FIG. 1c, the substrate is referenced as "S" wherein in the specification, the substrate is referenced as "5". In response, a replacement sheet is provided including FIG. 1c wherein the substrate has been relabeled as "5" to conform to the specification. The replacement sheet including FIG. 1c enclosed. Applicants respectfully request approval of the enclosed proposed drawing change and withdrawal of the drawing objection.

The abstract is objected to because the international publication title page was submitted as the abstract. By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Accordingly, it is respectfully submitted that the

abstract is now in proper form and it is respectfully requested that this objection be withdrawn.

The disclosure is objected to due to an informality. By means of the present amendment, the informality noted in the Office Action has been corrected. In addition, the specification has been carefully reviewed and corrected. Accordingly, it is respectfully submitted that the disclosure is now in proper form and it is respectfully requested that this objection be withdrawn.

Claim 3 is objected to due to an informality. Claim 3 is amended herein to cure the informality. Accordingly, it is respectfully submitted that claim 3 is in proper form and it is respectfully requested that this objection be withdrawn.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by European Patent Publication No. WO 02/063678 to Morf ("Morf"). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Morf in view of U.S. Patent No. 4,507,383 to Tsuruta ("Tsuruta"). Claims 6 and 7 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Morf in view of U.S. Patent No. 6,294,063 to Becker ("Becker"). It is respectfully submitted that claims 1-7 and 12-16 are allowable over Morf alone and in view

of any combination of Tsuruta and Becker for at least the following reasons.

Morf shows an object transfer apparatus that utilizes a carrier that has separated holding areas 11 (see, FIGS. 1-3) for holding an object and placing an object on a source substrate. It is undisputed that Morf fails to show a use of electrodes (see, Office Action, page 9, numbered paragraph 25). The Office Action relies on Becker for showing the use of electrodes in any suitable shape, citing Becker, Col. 14, lines 14-17 for support of this notion. It is respectfully submitted that reliance on Becker is misplaced.

Becker shows a system for manipulating fluid packets utilizing an array of electrodes. Becker does not disclose or suggest a system that utilizes the fluid packets to transport objects and certainly does not disclose or suggest an electrode that is shaped to effect an orientation of an object carried by the fluid droplets. Becker does state that "the size of the array may vary according to need" (see, Col. 14, lines 17-18) and that "smaller or larger arrays may be fabricated without significant departure from the present [Becker] disclosure." (See, Col. 14, lines 19-21.)

However, it is respectfully submitted that Becker does not even disclose or suggest adjusting the shape of the electrode to influence an orientation of the droplet itself. As would be clear to any party of ordinary skill in the art, a droplet does not have an orientation relative to a carrier surface since the droplets are circular in shape relative to the carrier surface (see, Becker, FIG. 11). The Office Action suggests that Becker makes it obvious to an artisan to alter the shape of the electrode to correspond to a shape of an object carried by the droplet (see, Office Action, page 10), however, this position is respectfully refuted. Becker does not disclose or suggest other than transport of the droplet. Morf does not disclose use of an electrode at all. Accordingly, it is respectfully submitted that an adjustment of the shape of the electrode to correspond to an object carried by the fluid may only be arrived at by utilizing hindsight reconstruction. Certainly the suggestion can not be said to have come from either of Morf or Becker.

It is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Morf alone and in view of any combination of Tsuruta and Becker. For example, Morf alone and in view of any combination of Tsuruta and Becker does not

disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis added) "a fluid droplet which couples the small object detachably to at least one of the carrier and the substrate, wherein the at least one of the carrier and the substrate is provided with at least one electrode having a shape selected to influence an orientation of the small object with respect to the at least one of the carrier and the substrate" as recited in claim 1. Morf and Becker are discussed above and Tsuruta is cited for allegedly showing other elements of the claims and accordingly does nothing to cure the deficiencies in each of Morf and Becker.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Morf alone and in view of any combination of Tsuruta and Becker and notice to this effect is earnestly solicited. Claims 2-7 and 12-16 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

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foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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Enclosure: Replacement drawing sheet (1 sheet including FIG. 1c)

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